	ED STATES PATENT A	ND TRADEMARK OFFICE	UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandria, Virginia 223 www.usplo.gov	OR PATENTS
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,192	02/07/2001	David Charles Adams	ADN2653P1US	9033
7590 10/06/2003			EXAMINER	
Lainie E. Parker Akzo Nobel Inc. Intellectual Property Department 7 Livingstone Avenue			LEUNG, JENNIFER A	
			ART UNIT	PAPER NUMBER
			1764	
Dobbs Ferry, 1	NY 10522-3408		DATE MAILED: 10/06/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
	09/778,192	ADAMS ET AL.	
Office Action Summary	Examiner	Art Unit	
	Jennifer A. Leung	1764	
The MAILING DATE of this communication	n appears on the cover sheet w	ith the correspondence address	
Period for Reply			
 A SHORTENED STATUTORY PERIOD FOR RI THE MAILING DATE OF THIS COMMUNICATIO Extensions of time may be available under the provisions of 37 CF after SIX (6) MONTHS from the mailing date of this communicatio If the period for reply specified above is less than thirty (30) days, If NO period for reply is specified above, the maximum statutory p Failure to reply within the set or extended period for reply will, by s Any reply received by the Office later than three months after the nearend patent term adjustment. See 37 CFR 1.704(b). 	ON. FR 1.136(a). In no event, however, may a r n. a reply within the statutory minimum of thir eriod will apply and will expire SIX (6) MON statute, cause the application to become AE	reply be timely filed ty (30) days will be considered timely. ITHS from the mailing date of this communication. 3ANDONED (35 U.S.C. § 133).	
1) Responsive to communication(s) filed on			
-	This action is non-final.		
3) Since this application is in condition for a		tters, prosecution as to the merits is	
closed in accordance with the practice ur			
Disposition of Claims 4) Claim(a) 1 12 in/ore panding in the applie	otion		
4) Claim(s) <u>1-12</u> is/are pending in the applic			
4a) Of the above claim(s) is/are with	ndrawn from consideration.		
5) Claim(s) is/are allowed.			
6) Claim(s) is/are rejected.			
7) Claim(s) is/are objected to.			
8)⊠ Claim(s) <u>1-12</u> are subject to restriction and Application Papers	d/or election requirement.		
, 9) The specification is objected to by the Example.	miner.		
10) The drawing(s) filed on is/are: a)			
Applicant may not request that any objection			
11) The proposed drawing correction filed on _		lisapproved by the Examiner.	
If approved, corrected drawings are required			
12) The oath or declaration is objected to by th	e Examiner.		
Priority under 35 U.S.C. §§ 119 and 120			
13) Acknowledgment is made of a claim for fo	reign priority under 35 U.S.C.	§ 119(a)-(d) or (f).	
a)□ All b)□ Some * c)□ None of:			
1. Certified copies of the priority docur			
2. Certified copies of the priority docur			
3. Copies of the certified copies of the application from the Internationa * See the attached detailed Office action for a	al Bureau (PCT Rule 17.2(a)).	Ĵ	
14) Acknowledgment is made of a claim for dor	•		
a) The translation of the foreign languag 15) Acknowledgment is made of a claim for dor	e provisional application has b	een received.	
Attachment(s)	, , ,		
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-94) 		Summary (PTO-413) Paper No(s) Informal Patent Application (PTO-152)	

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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-9, drawn to an apparatus comprising a circulation pump, a reactor tube, at least one feed, an outlet, an additional tube and a pig receiving station, classified in class 422, subclass 131+.
- II. Claims 10-13, drawn to a process for preparing an emulsion polymer, classified in class 526, subclass ---.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the apparatus as claimed can be used to practice another and materially different process, such as chemical processes not limited to polymerization, wherein reactor wall cleaning is periodically required, i.e., for removal of scale, particulate deposits, residue, etc.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and search required for Group I not required for Group II, restriction for examination purposes as indicated is proper.

A telephone call was made to Michelle Burke on September 23, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Leung whose telephone number is 703-305-4951. The examiner can normally be reached on 8:30 am - 5:30 pm M-F, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn A. Caldarola can be reached on 703-308-6824. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Jennifer A. Leung September 23, 2003

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